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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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KYOCERA WIRELESS CORP.
P.O. BOX 928289
SAN DIEGO, CA 92192-8289

EXAMINER

BANGACHON, WILLIAM L

ART UNIT PAPER NUMBER

2612

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/716,053	KAPLAN, DIEGO	
	Examiner	Art Unit	
	William L. Bangachon	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/30/06 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input checked="" type="checkbox"/> Other: <u>Examiner's comments</u> . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/30/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **"The remote control programs are located in a data storage area on the wireless communication device being controlled"** [REMARKS, page 9, 3rd paragraph]) is not recited in claim 6, **"receiving at the device under control..."**, **"establishing a data call between the device under control..."** [page 11, 2nd paragraph]), are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner respectfully traverse applicant's argument that Rezvani does not teach that the DEVICE 32 includes a data storage area configured to store authentication information and housing a plurality of executable remote control programs [page 10, 2nd paragraph]. First, the remote monitoring module 28 is relied upon to teach of a wireless communication device. The remote monitoring module 28 is shown in figure 2 to have data storage area that stores device descriptors.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **“camera device”** of remote control access point 40 for establishing video conferencing, recited in claim 7, **“a microprocessor coupled with the data storage”** recited in claims 15 and 20-21, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the Examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 6-12, 15, 17-21, 23-25, 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,686,838 (Rezvani et al).

In claim 15, Rezvani et al teach of a remote control enabled wireless communication device (i.e. monitoring module 28) capable of establishing a data call over a wireless communication network comprising:

a communication means (col. 8, lines 59-65), configured to establish a data call with a remote control access point (i.e. remote site 14 or remote user access device 17) over a wireless communication network (16 or internet service provider 23) {col. 4, lines 34-56; col. 7, lines 34+; col. 13, lines 13-23}. The remote site (14) is a master controller (master remote control access point) {col. 6, lines 28-36} whereas the remote user

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access device (17) may operate independently {col. 7, lines 48+}. Also see col. 8, lines 59-65;

the wireless communication device (28) having a data storage area shown in figures 2 and 12 configured to store authentication information and executable programs (i.e. programs that perform security measures), {paragraph bridging cols. 8 and 9; col. 12, lines 20-27} and a plurality of remote control programs {col. 7, lines 61-67};

the monitoring module 28 running on the client device 22 serves as an interface between a remote control access point 14 (i.e. remote site) and device 32 shown in figure 2 {col. 6, lines lines 38-53+; paragraph bridging cols. 6 and 7+}, capable of establishing a data call with the remote control access 14 over a wireless communication network 16 {col. 4, lines 39-44+; col. 8, lines 59-65+}. The client device 22 being a computer or PDA {col. 5, lines 42-46}, would inherently have a microprocessor communicatively coupled with the data storage area and configured to execute the plurality of executable remote control programs; and

an authentication program stored in the data storage area and executable by the microprocessor (i.e. program for verifying passwords, program for performing security measures) {col. 12, lines 20-28}.

Although Rezvani et al teach of validating a monitoring module {col. 12, lines 22-27; paragraph bridging cols. 15 and 16; col. 17, lines 25-50}, Rezvani et al do not disclose expressly **“the authentication program configured to validate a remote control request received from the remote control access point”**. An Official notice

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is taken in that addresses of sources (i.e. email address, pager address) in messages sent across a network is authenticated. At the time of applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the software of Rezvani et al to validate the address of the remote control access point as an additional security measure because Rezvani teaches of verifying passwords and performing security measures {col. 12, lines 20-27; paragraph bridging cols. 15 and 16}. This additional security measure is beneficial because the remote control request is being transmitted over a network wherein an unauthorized remote control access point may access the wireless communication device.

Claim 6 recites a method for practicing the device of claim 15 and therefore rejected for the same reasons.

In claim 7, Rezvani does not disclose expressly "video conferencing" between the wireless communication device and remote access point. An Official notice is taken in that video conferencing is widely used at the time of applicant's invention. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Rezvani to perform video conferencing because this provides the system of Rezvani a bidirectional and real time means of monitoring and controlling {col. 8, lines 42-51+; col. 10, lines 44-48+; col. 13, lines 60-65}.

In claims 8 and 9, the camera is instructed to capture an image and send it to a remote location {col. 8, lines 16-23}.

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In claim 10, the remote control access point (17) is a customer service workstation integral to the wireless communication network (16) as shown in figure 1 {col. 6, lines 28-36}.

In claim 11, the remote control access point is communicatively coupled with the wireless communication network (16) via the Internet (23) {col. 7, lines 34-47}.

In claim 12, the remote control access point (14) is a wireless communication device.

Claims 17, 18, 23 and 30 recite of preventing a user of the wireless communication device to execute executable programs stored in the storage device {col. 18, lines 16-31; col. 19, lines 1-7, lines 19-30}. In this case, a user may setup own preferences that are not going to be available to other users. And clearly, an unregistered user cannot access the system.

Claims 19, 20, 24, 30 recite of the wireless communication device receiving a new remote control program that is executed by the microprocessor {paragraph bridging cols. 11 and 12}.

Claims 21, 25, 27, recite of scheduling the execution of the remote control program at a later time {col. 14, lines 52-56+}.

Claim 28 recites of notifying a user of the wireless communication device that a remote control session has been established {col. 16, lines 40-50}.

Claim 29 recites of not notifying a user of the wireless communication device that a remote control session has been established {col. 12, lines 12-18}.

Claim Objections

7. Claims 22 and 26 would be allowable if rewritten in independent form and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Office Contact Information

9. Please note that the Examiner's art unit has been changed.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is (571)-


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272-3065. The Examiner can normally be reached on Monday – Thursday, 8:30 AM – 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy Garber can be reached on **(571)-272-7308**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

William L Bangachon
Examiner
Art Unit 2635

May 15, 2006